



W.P(MD)No.20197 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20197 of 2023 and
WMP(MD) No.16668 of 2023

Rajaguru

... Petitioner

Vs

1.The District Revenue Officer,
D.R.O.Office,
District Collector's Office,
Tanjore,
Tanjore District.

2.The Revenue Divisional Officer,
R.D.O.Office,
Tanjore,
Tanjore District.

3.The Tahsildar,
Taluk Office,
Boodhalur,
Tanjore District.

4.Paramasivampillai

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent proceedings made in Tha.Pa.28/2022/U(2), dated 05.08.2023, quash the same and further direct him to pass appropriate orders on the petitioner's revision on merits by law within a stipulated period.

For Petitioner : Mr.R.Sundar
For R1 to R3 : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition is filed as against the orders of the District Revenue Officer, Thanjavur, directing the petitioner to work out his remedy in a civil suit in O.S.No.817 of 2021.

2.The learned counsel appearing for the petitioner submits that the lands in S.Nos.212/2A, 212/2B, 212/2C to an extent of 0.77.5 Ares, 0.22.5 Ares, 0.50.0 Ares, in Vendaiyampatti Village, Boodhalur Taluk, Thanjavur District belongs to the petitioner's family. However, on the application filed by the fourth respondent,



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the Revenue Divisional Officer, Thanjavur by his proceedings in Tha.Pa.120/2021/A5, dated 30.06.2022 has cancelled the patta stood in the name of the petitioner and ordered to transfer the same in the name of the fourth respondent. Pending the proceedings before the Revenue Divisional Officer, the petitioner has filed a civil suit before the Sub Court, Thanjavur in O.S.No.265 of 2021 for the relief of declaration and the same is still pending. Without considering the pendency of the suit, the Revenue Divisional Officer proceeded with the enquiry and has passed an order in favour of the fourth respondent. Therefore, the petitioner has filed a revision petition before the District Revenue Officer, Thanjavur. The revisional authority, without considering the pendency of the suit has simply rejected the revision petition and directed the petitioner to work out his remedy before the Sub Court, Thanjavur. Since the suit has already been instituted, the Revenue Divisional Officer ought not to have passed such an order. However, the Revenue Divisional Officer has entertained the application filed by the fourth respondent and passed the order. In the revision filed by the petitioner also, the



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pendency of the suit has not been considered. According to the petitioner, the District Revenue Officer without applying his mind has directed the petitioner to work out his remedy before the civil Court in O.S.No.817 of 2021, whereas, the suit which is pending on the file of the Sub Court, Thanjavur is O.S.No.265 of 2021. Therefore, the learned counsel requests this Court to interfere with the order to a limited extent of withholding the order of the Revenue Divisional Officer, granting patta in favour of the fourth respondent.

3.Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents on instructions submits that the fourth respondent has purchased the property on Court auction from the District Munsif Court, Thiruvaiyaru. However, he did not take any steps for change of patta in his favour. Taking advantage of the same, the petitioner is claiming right over the property and therefore, the District Revenue Officer based on the Court auction proceedings has passed this order. Therefore, there is no reason to interfere with the impugned order.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner has already filed a civil suit before the District Munsif Court, Thanjavur in O.S.No.265 of 2021 with regard to the dispute between the petitioner and the fourth respondent and the same is still pending. According to the petitioner, the suit was filed by him after the proceedings initiated by the Revenue Divisional Officer. The District Revenue officer has also passed the order considering the Court auction by the District Munsif Court, Thiruvaiyaru. Since the petitioner has already invoked the civil jurisdiction, he has to work out his remedy before the Sub Court, Thanjavur, where, the suit is pending.

6.In view of the above, this writ petition is disposed of with a direction to the learned Sub Judge, Thanjavur to dispose of the civil Suit in O.S.No.265 of 2021 pending on his file as



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expeditiously as possible, preferably within a period of eight months from the date of receipt of a copy of this order, uninfluenced by the orders of the Revenue Divisional Order and the District Revenue Officer. No costs. Consequently, connected Miscellaneous Petition is closed.

21.08.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
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To

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B.PUGALENDHI, J.

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